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**DATE: November 17, 2004**

**Your Ref: --**

**Our Ref: 9577-25 LAB/KAM**

TO:	FAX #	PHONE #
Attention: Alton N. Pryor United States Patent and Trademark Office	703 872-9306	571-272-0621

Total Number of Pages (Including This Page): 20

**FROM:** Lola A. Bartoszewicz / (416) 595-1155 Ext. 200

**COMMENTS:**

**RE:** U.S. Patent Application No. 09/845,497  
Applicant: ODIDI, Amina et al.

**URGENT**

**Please find attached herewith the following documents:**

1. Certificate of Transmission by Facsimile;
2. Request for Continued Examination;
3. Fee Transmittal;
4. Declaration; and
- 4.5. Amendment and Response.

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PTO/SB/97 (08-03)

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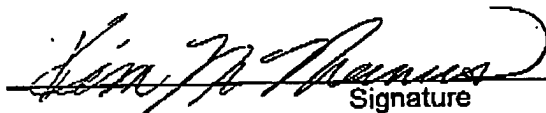
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PTO/SB/17 (10-04)

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**FEE TRANSMITTAL**  
**for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**710.00****Complete if Known**

Application Number	09/845,497
Filing Date	05/01/2001
First Named Inventor	ODIDI, Amina
Examiner Name	Pryor, Alton Nathaniel
Art Unit	1616
Attorney Docket No.	9577-25 LAB

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	192253
Deposit Account Name	Sim & McBurney

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)<b>0.00</b></b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	-0.00
Multiple Dependent	-3** =	X	-0.00
			-0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 8	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$)<b>0.00</b></b>

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(e)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	395.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**710.00****SUBMITTED BY**

Name (Print/Type)	Liola A. Bartoszewicz	Registration No. (Attorney/Agent)	43394	Telephone (416) 596-1155
Signature		Date	11/17/04	

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PTO/SB/30 (09-03)

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/845,497
Filing Date	05/01/2001
First Named Inventor	ODIDI, Amina
Art Unit	1616
Examiner Name	Pryor, Alton Nathaniel
Attorney Docket Number	9577-25 LAB

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

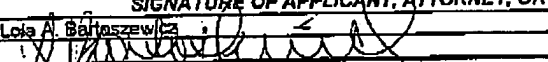
**3. Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 192253

- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Lola A. Bahaszewicz	Registration No. (Attorney/Agent)	43394
Signature		Date	November 17, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Kimberly A. McManus	Date	November 17, 2004
Signature			

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416595 7306

T-112 P.005/020 F-970

NOV 17 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Amina ODIDI and Isa ODIDI

Application No.: 09/845,497

Filed: May 1, 2001

For: EXTENDED RELEASE PHARMACEUTICALS

Date : November 17, 2004

Confirmation No.: 2340

Group Art Unit: 1616

Examiner: Alton Pryor

Docket No.: 9577-25

Customer No.: 24223

**REQUEST FOR CONTINUED EXAMINATION UNDER 37 CFR § 1.114**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia  
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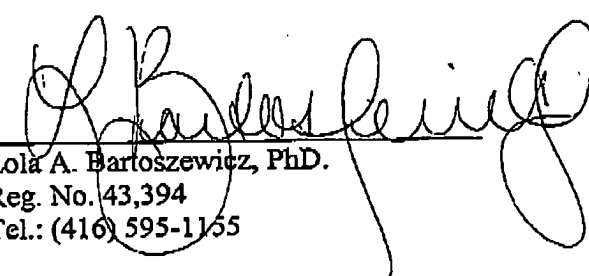
Sir:

A Request for Continued Examination is being filed concurrently to continue the prosecution of this application. It is respectfully requested that this application be considered in view of the enclosed Amendment and Response to the Final Action dated June 17, 2004.

Respectfully submitted,

SIM & McBURNEY

By

  
Lola A. Bartoszewicz, PhD.  
Reg. No. 43,394  
Tel.: (416) 595-1155